IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:07-HC-2187-D

UNITED STATES OF AMERICA,) Petitioner,)	FILED IN OPEN COURT ON 3/5/12 CA ON 3/5/12 CA ON 3/5/12 CA ON 3/5/12 CA Julie Richard Destrict Court Eastern District of NC
v.)	ORDER
KEVIN LOU ENGLISH,	
Respondent.	

Kevin Lou English ("English" or "respondent") is confined at the Federal Correctional Institution in Butner, North Carolina, awaiting a hearing on a petition for his commitment that the government filed pursuant to 18 U.S.C. § 4248 [D.E. 1]. On January 9, 2012, Magistrate Judge Gates issued a Memorandum and Recommendation ("M&R") [D.E. 67], recommending that the court deny Turner's motion to dismiss [D.E. 52]. Turner has not filed any objections, and the time within which to do so has expired. On February 2, 2012, the government filed a response [D.E. 71], indicating it has no objections to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Id. (quotation omitted).

There are no objections to the M&R, and the court finds no clear error on the face of the record. Therefore, the court adopts the M&R and DENIES respondent's motion to dismiss [D.E. 52].

SO ORDERED. This <u>\$\langle\$</u> day of March 2012.

JAMES C. DEVER III

Chief United States District Judge